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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 004359

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TAGS: [PHUM](#) [PINS](#) [MOPS](#) [KCRM](#) [RP](#)
SUBJECT: ONGOING INVESTIGATIONS OF EXTRAJUDICIAL KILLINGS

REF: A. MANILA 3793

[1](#)B. MANILA 3404

Classified By: Pol/C Scott Bellard, reasons 1.4 (b) and (d)

[1](#)1. (C) Summary. Justice Melo, chairman of the new Presidential commission investigating the recent spate of extrajudicial killings, expressed appreciation for an Embassy offer to provide guidelines toward achieving successful prosecutions of human rights violations involving police and military and chain of command issues. The Melo Commission seeks to identify patterns to the recent extrajudicial killings in order to provide policy recommendations to President Arroyo on how to ensure that any and all current and future elements of Philippine security forces cease complicity in such killings or face prosecution. The Philippine National Police Task Force Usig Commander separately provided an update on progress in its investigations, which have already led to the filing of charges in 62 cases, with arrests so far in 22 cases and convictions in two cases. National Security Advisor Norberto Gonzales and Foreign Minister Alberto Romulo will likely travel to Europe in the coming months to finalize plans for an EU-led group come to the Philippines to investigate cases of extrajudicial killings. End Summary.

Embassy assistance to the Melo Commission

[1](#)2. (C) In a meeting on October 10 with the U.S. Department of Justice Attache and poloffs, retired Supreme Court Justice Jose A. Melo and Commission Counsel Rogelio Vinluan expressed appreciation for an Embassy offer (ref a) to provide guidelines on how to conduct successful prosecutions of human rights violations involving police or military personnel and chain of command issues, based on the Justice Attache's experience as a U.S. federal prosecutor. One recommendation was to investigate lower ranking members in order to get enough evidence to ensure convictions that carry a heavy sentence, and then convince them to bear witness against senior officers. Noting that recently retired Philippine Army Major General Jovito Palparan had conceded in testimony before the Melo Commission that he may have "inspired" his troops to carry out acts involving human rights violations, the U.S. experience demonstrated that it is usually possible to obtain evidence that such leaders have issued explicit orders for such abuses, the attache explained.

[1](#)3. (C) Justice Melo clarified that his mission is not to indict specific individuals, but rather to offer policy recommendations by the end of 2006 to the President on how to "put the fear of God" into military and police officers so that they realize clearly that any complicity in EJKs will lead to prosecution. His report will also identify specific patterns of EJKs related to regions or individuals.

Progress at Task Force Usig

14. (U) Task Force Usig Commander (and Deputy PNP Chief for Administration) General Avelino "Sonny" Razon, Jr. separately provided an update to poloffs on October 11 on progress since his last briefing (ref b). General Razon highlighted that TF Usig had successfully met President's Arroyo's August 1 directive to resolve at least 10 cases of EJKs within 10 weeks by solving 24 cases (with 12 new arrests) in approximately 9 weeks. He disagreed with statistics provided by the leftist NGO Karapatan that there has been 725 cases of EJKs of party list members since 2001 (as opposed to Usig's claim of 110), noting that TF Usig had already discounted 81 of the cases of EJKs claimed by Karapatan. He cited the case of a party list member reportedly abducted and found dead in 2004 in Oriental Mindoro, whom the PNP found alive and well on July 4, 2006. (Note: Karapatan has reportedly declined to cooperate with the Melo Commission or Task Force Usig, despite their requests, and has so far also declined to meet with poloffs. End note).

15. (U) The revised TF Usig statistics for the 2001-2006 period now show:
Party List members/activists:
-- 110 cases, with 36 so far in 2006;
-- 41 cases have identified perpetrators or suspects; 24 are NPA-related, 17 are Armed Forces of the Philippines (AFP) or PNP-related;
-- 41 cases have been filed in court, with arrests in nine cases and surrenders in one case, while suspects are still at large in 31 others;
-- 69 cases are still under investigation.

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Members of the media:
-- 26 cases, with two so far in 2006;
-- 11 cases have identified perpetrators or suspects: two are NPA-related, nine are AFP or PNP-related;
-- 21 cases have been filed, with arrests in 13 of these cases, two cases under preliminary investigation, two cases with convicted suspects, two cases with surrendered suspects, and two cases with at-large suspects;
-- five cases are still under investigation.

Possible EU role

16. (SBU) Gen Razon confirmed that an EU-led group would be welcome to come to the Philippines to investigate cases of EJKs in the Philippines, as President Arroyo had requested during her recent meetings in Europe. An EU Commission official confirmed to poloffs on October 13 that Philippine National Security Advisor Norberto Gonzales informed EU member state representatives in Manila that he and Foreign Minister Alberto Romulo will travel to Europe in the coming months to finalize the logistics for this suggested group's visit to the Philippines.

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